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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO. 5073/1998

HEMANGAD SHARMA Vs. THE STATE OF RAJASTHAN & ANR.

Date: 15.11.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajendra Prasad for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

Heard rival submission of the respective parties.

The main grievance of the petitioner is that the petitioner applied for Teacher Grade-II but was not considered as per the advertisement dated 01.09.98 (Annexure-6), wherein it was given out that Teacher (Science) should have pass a degree with 3 subjects i.e. Zoology, Botany and Chemistry, whereas the petitioner passed his bachelor degree in Agriculture having two subjects i.e. Chemistry and Agriculture Science and he was allowed to pursue his B.Ed. Course having two subjects i.e. General Science and Biology.

Learned counsel for the petitioner referred sub-clause (iii) and (iv) of Ordinance 322 of Ajmer University, which read as under:-

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“(iii) A person having Bachelor's Degree in Agriculture will be allowed to offer General Science and Biology for the B.Ed. Examination. General Science may also be allowed to be offered by a candidate possessing the degree of B.Sc. (Home Science) or passing the B.Sc. Examination with (i) Chemistry and (ii) Any one subject of Life Sciences i.e. Biology or Botany or Zoology.

(iv) A candidate who has offered Political Science or Public Administration at his Bachelor's or the Master's Degree Examination shall be deemed eligible to offer Civics as a teaching subject in the B.Ed. Examination.”

He also referred Rule 8(a) of the Schedule appended to the Rajasthan Educational Subordinate Service Rules, 1971 (for short 'the Rules of 1971'), which reads as under:-

8 (a)	Teachers Grade II [] Enforcement Assistant	50% by direct recruitment & 50% by promotion	Graduate or equivalent Examination with atleast two subjects taught in Schools with Degree or	1. Grade III teachers. 2. Laborator y Assistants 3. Teachers in Deaf, Dumb	Graduate or equivalent examinati on with atleast two subject taught in schools with Degree or Diploma	1. Jt/Dputy Director of Education of the range concerned 2. One District Education Officer.	Range -wise
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Thus, as per the Ordinance as well as the Rules of 1971, the advertisement which was issued by

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the respondents is contrary to the provisions of the rules and the Ordinance.

At the time of issuance of notices, vide interim order dated 30.11.98, this Court has directed the respondents to keep one post vacant for the petitioner.

In the facts and circumstances of the case, I deem it proper to direct the respondents to consider the case of the petitioner against the post which was kept vacant pursuant to the interim order of this Court dated 30.11.98, ignoring the advertisement and treating him eligible for the post applied and if the petitioner fulfills the requisite requirement for appointment, then the respondents are directed to pass appropriate order according to the provisions of law.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE), J.

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